IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

C.W.P.No. 6897 of 2007
Date of Decision: 10.5.2007

Manphool Singh Vs. Commissioner, Rohtak Division Rohtak and others

...

Present : Mr.Mohnish Sharma, Advocate for the petitioner.

...

CORAM : HON'BLE MR.JUSTICE P. SATHASIVAM
HON'BLE MR.JUSTICE RAJIVE BHALLA

****

1. Whether Reporters of Local Newspapers may be allowed to see the judgement ?
2. To be referred to the Reporters or not ?
3. Whether the judgement should be reported in the Digest ?

****

RAJIVE BHALLA, J

This order shall dispose of C.W.P. Nos.6897 and 7009 of 2007. The facts have been extracted from C.W.P. No.6897 of 2007.

The petitioner, prays for the issuance of a writ in the nature of Certiorari for quashing the order dated 31.8.2006 passed by the Commissioner, Rohtak Division, Rohtak, order dated 6.6.2003 passed by the Collector,Jhajjar and order dated 26.7.2000 passed by the Assistant Collector, Ist Grade, Jhajjar.

The dispute in the present case relates to the sanction of a mutation with respect to the estate left behind by one Sardara son of Sahaj

Ram with respect to land measuring 228 Kanals 14 Marlas situated in Village Naogaon, Tehsil Jhajjar, Distt.Jhajjar. The petitioner is the son of Sardara, whereas respondent no.4 is the widow of the pre-deceased son Rampat. Respondent no.5 is the widow of Sardara. By Mutation No.1327 dated 22.12.1975, the Halqa Patwari, preferred a mutation with respect to the inheritance of Sardar in favour of the petitioner and respondent no.4 in equal shares. The said mutation was put up for sanction before the concerned Revenue Officer on 10.6.1996. The petitioner appeared and objected to the mutation, on the plea that during his life time, Sardara had executed a registered Will in his favour. The Revenue Officer, therefore, forwarded the mutation to the Assistant Collector, Ist Grade, for adjudication, who after recording evidence, with respect to the execution of the Will held that the Will Ex.AW-3/1 was unreliable. Accordingly Mutation No.1327 was sanctioned in favour of all the legal heirs, vide order dated 26.7.2000. Aggrieved by the aforementioned order, the petitioner filed an appeal before the Collector, Jhajjar. Respondent no.4 also filed an appeal. The learned Collector, vide order dated 6.6.2003, dismissed the appeal filed by the petitioner and allowed the appeal filed by respondent no.4. The said order was impugned before the Commissioner, Rohtak Division,Rohtak and was dismissed vide order dated 31.8.2006.

Counsel for the petitioner contends that as the petitioner succeeded in establishing, due execution of the registered Will dated 22.5.1989 by reliable and cogent evidence, the revenue authorities were not justified in discarding the Will. It is contended that the conclusions recorded by the revenue authorities, with respect to the evidence adduced are erroneous.

We have heard learned counsel for the petitioner and perused the paper book.

Admittedly, adjudication, of the validity and legality of the Will is pending before a civil Court. Proceedings before revenue authorities are summary in nature and their findings do not bind civil Courts. Revenue authorities adjudicate title for the limited purpose of updating revenue records. Their orders, as regards title being summary determinations are, therefore, limited in applicability. The revenue authorities have assigned detailed and cogent reasons for discarding the Will. There being no error of jurisdiction or law discernible in the impugned orders, the present petition is dismissed, without prejudice to the rights of the petitioner before the civil Court.

(RAJIVE BHALLA)
JUDGE

10.5.2007
GS

(P. SATHASIVAM)
JUDGE